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10/006,236	12/10/2001	Michael L. Palmer	4232.124US1	9952

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WASHINGTON, DC 20036-2412

EXAMINER
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ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
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2143

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08/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/006,236

Applicant(s)

PALMER, MICHAEL L.

Examiner

David E. England

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 54-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 54-82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 54 – 82 are presented for examination.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 54 – 65, 67, 69 – 80 and 82 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al. U.S. Pat. No. 6415307 (hereinafter Jones).

4. Referencing claim 54, as closely interpreted by the Examiner, Jones teaches a method for dynamically updating a content list at an end user location, said method comprising the steps of:

5. receiving a content list from a feed station at a field station, (e.g., Figure 1, column 5, line 26 – col. 6, line 50);

6. transmitting a copy of the content list from the field station to an end user station, (e.g., Figure 1, column 5, line 26 – col. 6, line 50);

7. receiving a message from the feed station at the field station, the message comprising at least one revision to the content list, (e.g., col. 2, line 43 – col. 3, line 5 & col. 14, lines 39 – 61);

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8. implementing the revision to the content list at the field station, (e.g., col. 2, line 43 – col. 3, line 5 & col. 14, lines 39 – 61); and

9. transmitting the revision to the end user station for revision of the content list at the end user station, (e.g., col. 2, line 43 – col. 3, line 5 & col. 14, lines 39 – 61);

10. wherein the content list comprises a plurality of stories, and an ordered list of stories wherein each story comprises at least text element, metadata, and zero or more references to a media object, (e.g., col. 6, lines 20 – 50); and

11. wherein the list of stories determines a sequence in which the stories will be displayed to the user at the end user station, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5 & col. 13, lines 41 – 53).

12. As per claim 55, as closely interpreted by the Examiner, Jones teaches the revision comprises a change in an order of the stories in the content list, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5 & col. 13, lines 41 – 53).

13. As per claim 56, as closely interpreted by the Examiner, Jones teaches the revision comprises an addition of a new story to the content list, (e.g., col. 2, lines 42 – 67 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5 & col. 13, lines 41 – 53).

14. As per claim 57, as closely interpreted by the Examiner, Jones teaches the revision comprises a deletion of a story on the content list, (e.g., col. 14, lines 39 – 61, a new search using

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different keywords could result in a completely different list of content which would not show the previous content list which could be interpreted as deletion of stories on the content list).

15. As per claim 58, as closely interpreted by the Examiner, Jones teaches the revision comprises the addition of a text element or a media object to a story in the content list, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

16. As per claim 59, as closely interpreted by the Examiner, Jones teaches the revision comprises the deletion of a text element or a media object to a story in the content list, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

17. As per claim 60, as closely interpreted by the Examiner, Jones teaches the revision comprises a modification of a text element or a media object associated with a story in the content list, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

18. As per claim 61, as closely interpreted by the Examiner, Jones teaches the content list comprises a reference to media objects and further comprising the steps of resolving the reference to the media object by obtaining the media object from a media and object server, wherein the media object includes one or more versions of associated media objects, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

19. As per claim 62, as closely interpreted by the Examiner, Jones teaches metadata comprises at least one of text, XML markup, and binary information, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

20. As per claim 63, as closely interpreted by the Examiner, Jones teaches the message is received after the content list is transmitted to the end user station information, (e.g., col. 2, line 56 – col. 3, line 41 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5, this limitation is interpreted as the steps in updating the content list).

21. As per claim 64, as closely interpreted by the Examiner, Jones teaches a plurality of messages are received at the field station and transmitted to the end user station, each of the messages including a revision to the same content list, (e.g., col. 2, line 56 – col. 3, line 41 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5, this limitation can be accomplished by doing a “keywords” search multiple times).

22. As per claim 65, as closely interpreted by the Examiner, Jones teaches the steps of selecting stories from the content list for transmission to the end user station from among a plurality of stories in the content list received from the feed station, (e.g., col. 2, line 56 – col. 3, line 41 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

23. As per claim 67, as closely interpreted by the Examiner, Jones teaches the step of selecting stories from the content list for transmission to the end user station from among a

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plurality of stories in the content list received from the feed station, (e.g., col. 2, line 56 – col. 3, line 41 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

24. Claims 69 – 80 and 82 are rejected for similar reasons as stated above.

***Claim Rejections - 35 USC § 103***

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claims 66, 68 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Hanson et al. (6463461) (hereinafter Hanson).

27. As per claim 66, as closely interpreted by the Examiner, Jones not specifically teach the stories for transmission to the end user station are selected on the basis of content of the story and identity of an audience associated with the end user station. Hanson teaches the stories for transmission to the end user station are selected on the basis of content of the story and identity of an audience associated with the end user station, (e.g., Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hanson Jones because it would be more efficient for a system to tailor to the specific needs of a group that

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subscribes to a specific section of the news, for example Sports, and to filter out any unwanted information that the group does not wish to view, for example Business.

28. Claims 68 and 81 are rejected for similar reasons as stated above.

*Response to Arguments*

29. Applicant's arguments filed 06/07/2007 have been fully considered but they are not persuasive.

30. **In the Remarks**, Applicant argues in substance that Jones fails to teach the feature of "implementing the revision to the content list at the field station; and transmitting the revision to the end user station for revision of the content list at the end user station", as recited by Applicant in claim 54. Jones is merely directed to the simultaneous display of a graphical representation of a printed publication, or part of a publication, and text data appearing in the printed publication wherein a list of contents for each page are displayed such that the passages of text (articles or stories) are listed in the order of importance. See, for example, FIG. 2 of Jones.

31. Independent claim 69 also falls under the same argument.

32. As to the Remarks, Examiner would like to point out one scenario that can be read into both the prior art of Jones and the Applicant's invention as broadly interpreted by the Examiner. If a user in the Applicant's invention wishes to view all new data, that would mean that the entire



list must be revised and therefore the entire content list is re-transmitted to the user. Under the Applicant's interpretation of the prior art, this is a match and therefore the prior art, as stated and interpreted by the Applicant and Examiner, and is therefore still rejected for the reasons stated above.

33. All other remarks that are stated by the Applicant fall under the same rational and therefore are still rejected.

### ***Conclusion***

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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